

Please note: this report has been presented in the Legislative Assembly, but has not yet been adopted.  
May 2, 2017

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**Standing Committee on Rules, Regulations, Private Bills and Privileges  
Fourth Report of the Second Session Sixty-fifth General Assembly  
Recommendations regarding Written Questions, Oral Question Period, and  
Suspension of a Member**

Mr. Speaker and Members of the Legislative Assembly:

The Standing Committee on Rules, Regulations, Private Bills and Privileges is pleased to present its fourth report of the Second Session Sixty-fifth General Assembly.

**Committee Mandate**

The Standing Committee on Rules, Regulations, Private Bills and Privileges is charged with matters concerning the rules and standing orders of the Legislative Assembly, scrutiny of regulations, private bills, and the privileges of individual members and the Legislative Assembly as a whole. In addition, it may, by majority opinion, meet to examine and inquire into such matters and things as the committee deems appropriate.

**Committee Membership**

Permanent members of your committee are:

Kathleen Casey, Chair (Deputy Speaker; District 14, Charlottetown-Lewis Point)  
James Aylward (District 6, Stratford-Kinlock)  
Peter Bevan-Baker (Leader of the Third Party; District 17, Kellys Cross-Cumberland)  
Bush Dumville (District 15, West Royalty-Springvale)  
Hon. Jamie Fox (Leader of the Official Opposition; District 19, Borden-Kinkora)  
Hon. Sonny Gallant (Minister of Workforce and Advanced Learning; District 24, Evangeline-Miscouche)  
Hon. Robert Henderson (Minister of Health and Wellness; District 25, O'Leary-Inverness)  
Hon. Tina Mundy (Minister of Family and Human Services; District 22, Summerside-St. Eleanors)

The substitute members were Jordan Brown (District 13, Charlottetown-Brighton) and Hon. Alan McIsaac (Minister of Agriculture and Fisheries; District 5, Vernon River-Stratford).

**Committee Activities**

Your committee met on **February 21, 2017**, to consider two requests: (1) from Sidney MacEwen, MLA (District 7, Morell-Mermaid), for a change to Rule 60 to require government to provide answers to written questions within a 45-day period, or provide a reasonable explanation of the delay and an updated time frame for a response; and (2) from Hon. Jamie Fox, for an additional rule for a time limit (a maximum of 40 seconds) on questions and answers during the Oral Question Period.

Your committee also reviewed information provided by Hon. Francis (Buck) Watts, Speaker, concerning practices in other Canadian jurisdictions with regard to the suspension of members without motion.

At the outset of the meeting, a question was raised concerning the possibility of a conflict of interest existing when a Deputy Speaker chairs a committee charged with the rules of the Legislative Assembly. Following discussion, the committee clerk was directed to review the composition of the relevant committees in jurisdictions across the country and provide the information to the committee.

The requested information was distributed to committee members on March 7, 2017. In summary, of the 14 Canadian jurisdictions surveyed, a total of nine have presiding officers serving on those committees; and, of those, six have the committee chaired by either their Speaker or Deputy Speaker.

The committee continued with its discussions regarding the request from Mr. MacEwen, and determined it would request additional research be conducted as to the procedure for written questions across the country. Accordingly, the committee clerk reviewed all Canadian jurisdictions, and distributed the information to the committee on March 10, 2017. The enquiry revealed that several jurisdictions place limits on the number of written questions that can be asked by a member, as well as a time limit to receive a full or provisional response from government. While the routine exists in every Canadian jurisdiction in one form or another, it varies both in execution and utilization.

The committee then turned its attention to the next item on its agenda, the request from Hon. Jamie Fox regarding time limits for questions and answers during the Oral Question Period.

Following discussion on this matter, the information regarding the authority of a Speaker to suspend a member from the services of the House for the remainder of a sitting day was considered. Currently, Prince Edward Island is the only province where a Speaker cannot order a member's withdrawal for the remainder of the sitting day without a motion being proposed and carried to do so.

At the conclusion of the public portion of the meeting, the committee moved *in camera* to begin consideration of its report to the Legislative Assembly.

Your committee met again *in camera* on **April 11** and **April 20, 2017**, to further consider its report.

### Recommendations

As a result of its deliberations, your committee is pleased to recommend the following :

1. That each member be permitted up to 15 written questions, relating to public affairs, each sitting; and that a minister responding to a written question must do so within 45 days. As such, your committee recommends the following changes to Rules 59 and 60:

Rule 59. Written or oral questions may be directed to ministers of the Crown seeking information relating to public affairs. In putting any such question, or in replying to it, no argument or opinion shall be offered or any facts stated, except so far as may be necessary to explain it.

Rule 60. (1) Each member may direct up to 15 written questions, relating to public affairs to ministers of the Crown, per sitting.

Rule 60. (2) A minister responding to a written question must do so within 45 days by tabling the answer in the Legislative Assembly, or, if the Assembly is not then sitting, by filing the response with the Clerk. The Clerk shall transmit a copy of the response to all members.

Rule 60. (3) If the minister is unable to respond to a written question within 45 days, the minister shall file the reason and the proposed date of the response with the Clerk, who shall notify all members.

2. That no change be made to the procedure for the Oral Question Period with regard to time limits on questions or answers for the spring sitting. Your committee notes that the Speaker has enforced a 40-second guideline such that the time allocation for all members appears to be satisfactory.

3. That Rule 38 of the Rules of the Legislative Assembly be deleted, and the following substituted:

Rule 38. (1) The Speaker shall be vested with the authority to maintain order by naming individual members for disregarding the authority of the chair and, without resort to motion, ordering their withdrawal for the remainder of that sitting day.

Rule 38. (2) When a member is named by the Speaker for the offence of disregarding the authority of the chair or of abusing the rules of the House by persistently and wilfully obstructing its business or otherwise, the Speaker may immediately put the question, on a motion being made

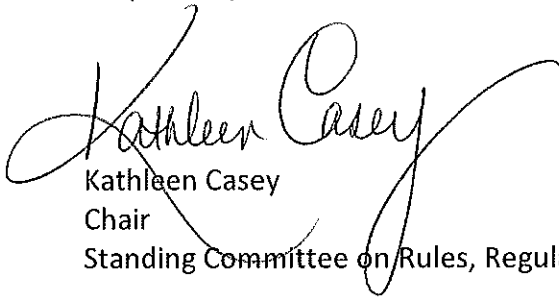
“that the member be suspended from the services of the House” and no amendment, adjournment or debate shall be allowed. The suspension shall be for such time as is stated in the motion but shall not exceed two weeks.

Rule 38. (3) When the offence is committed in a Committee of the Whole House, the Chair shall immediately suspend the proceedings of the committee and report the circumstances to the House and the Speaker.

Rule 38. (4) In the event of a member disregarding the order of the Speaker, or a decision of the House pursuant to this Rule, the Speaker shall order the Sergeant-at-Arms to remove that member.

4. That the changes to the Rules of the Legislative Assembly be effective as of the receipt and adoption of this report.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathleen Casey". The signature is written in black ink and is positioned above the printed name and title.

Kathleen Casey  
Chair  
Standing Committee on Rules, Regulations, Private Bills and Privileges